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Honduras

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (2002) ICESCR (1981) ICCPR (1997) ICCPR-OP 2 (2008) CEDAW (1983) CAT (1996) OP-CAT (2006) CRC (1990) OP-CRC-AC (2002) OP-CRC-SC (2002) ICRMW (2005) CRPD (2008) ICPPED (2008)		
Reservations and/or declarations	OP-CRC-AC (Declaration, art. 3, para. 2, age of recruitment 18, 2002)		
Complaints procedures, inquiries and urgent action[3]	ICCPR-OP 1 (2005) CAT, art. 20 (1996)	OP-CRPD, art. 6 (2010)	ICERD, art. 14 OP-ICESCR ICCPR, art. 41 OP-CEDAW CAT, arts. 21 and 22 OP-CRC-IC ICRMW, arts. 76 and 77 ICPPED, arts. 31 and 32

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol[4] 1951 Convention relating to the Status of Refugees and its 1967 Protocol Geneva Conventions of 12 August 1949 and Additional Protocols thereto[5] ILO fundamental conventions[6] ILO Convention No. 169[7]	1954 Convention relating to the Status of Stateless Persons (2012), and 1961 Convention on the Reduction of Statelessness (2012) UNESCO Convention against Discrimination in Education (2013)	ILO Convention No. 189[8]

1. In 2014, the Committee on the Elimination of Racial Discrimination (CERD) urged Honduras to make the optional declaration under article 14 of the Convention[9] and to ratify the amendment to article 8, paragraph 6.[10]

B. Constitutional and legislative framework

2. The United Nations country team (UNCT) in Honduras reports that, under the Constitution, international treaties ratified by the State form part of domestic law. UNCT mentions constitutional and legal reforms, many of them found in recommendations from the first cycle, that are aimed at harmonizing the national legislation.[11] The Criminal Code has been amended to define the offences of torture (2011); hate crimes, particularly against women and against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; femicide; and the use of the media to incite hatred and discrimination.[12] UNCT also highlights the adoption of the following laws: the Act on the Council of the Judiciary (2011); the Act on Food and Nutrition Security (2011); the Act on the National Prison System, which transfers responsibility for the administration of prisons from the Ministry of Security to the new National Prison Institute, under the Ministry of Human Rights, Justice, the Interior and Decentralization (2012); the Trafficking in Persons Act (2012); the Education Act (2012); the Impeachment Act (2013), as recommended by the Truth and Reconciliation Commission; and the Hourly Employment Act (2014).[13] In addition, amendments were made to the Elections and Political Organizations Act, in order to increase the minimum quota for female candidates for elected office (2012); to the Code on Children and Adolescents and the Family Code (2013); and to the Domestic Violence Act (2013).[14]

3. CERD expressed concern about the definition of racial discrimination contained in the Constitution and the Criminal Code, and recommended that Honduras align the definition and description of the offence of racial discrimination with article 1 of the Convention.[15] With regard to combating racist hate speech, CERD also recommended that the description of the offence of racial discrimination be brought into line with article 4 of the Convention.[16]

4. UNCT stresses that the definition of the offence of torture has brought the legislation into line with international standards. However, the amendment to article 209-A of the Criminal Code (2011) does not explicitly state that the offence of torture is not subject to the statute of limitations, nor does it address the definition of torture set forth in the Military Criminal Code.[17]

5. UNCT reports that the National Congress is considering a bill on protection for human rights defenders, journalists, media professionals and persons responsible for the administration of justice, as well as an initiative to close the pay gap between men and women.[18]

6. In 2014, the Special Rapporteur on the sale of children, child prostitution and child pornography recalled that the passing of the law on adoption and the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption were still pending.[19] UNCT points out that Honduras does not have a special law on adoption.[20]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[21]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[22]
Office of the National Commissioner for Human Rights (CONADEH)	A (2007)	B (2011, B status recommended after a special review in 2010 gave one year in which to establish compliance with Paris Principles)

7. CERD expressed concern at the fact that CONADEH had lost its A status.[23] In 2012, the Special Rapporteur on the situation of human rights defenders recommended that CONADEH be strengthened according to the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).[24] UNCT points out that Congress recently elected the Commissioner for a six-year term.[25]

8. During her follow-up visit to Honduras in 2014, the Special Rapporteur on the sale of children, child prostitution and child pornography recommended that Honduras reinforce the Office of the National Commissioner for Human Rights to make it more accessible to children, and improve the monitoring and assessment of children's rights.[26]

9. CERD recommended that steps be taken to ensure the full functioning of the National Commission against Racial Discrimination, Racism, Xenophobia and Other Related Forms of Intolerance.[27]

10. The Subcommittee on Prevention of Torture urged Honduras to amend the organization act on the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment (CONAPREV) to resolve budgetary allocation problems.[28] It recommended that CONAPREV make its mandate known to the public,[29] and set up mechanisms for following up on its recommendations[30] and for follow-up visits.[31]

11. CERD noted with concern that the Ministry of Justice and Human Rights and the Ministry for Indigenous and Afro-Honduran Peoples have been merged with other institutions and thus no longer benefit from ministerial status. CERD urged Honduras to provide them with the resources they require to discharge their duties in accordance with their mandate.[32]

12. In 2014, the Special Rapporteur on violence against women stated that, owing to a financial crisis, there had been a reduction in the number of ministries, staff and specialized services, including in the violence against women sector. She noted that the lack of institution-building, the high turnover of staff in the civil service, and the politicization of appointment processes had a negative impact on the sustainability of policies and programmes.[33]

13. CERD noted with satisfaction the adoption of the National Action Plan on Human Rights.[34]

14. UNCT reports that a national policy on prisons and a public policy against racism and racial discrimination are being drafted.[35]

15. The Special Rapporteur on the sale of children recommended establishing an integrated child protection system to improve prevention and guarantee security and protection for children, as well as access to justice, support, rehabilitation and reintegration.[36]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[37]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	–	2012	February 2014	Sixth to eighth reports due in 2017
CESCR	May 2001	2014	–	Second report pending consideration
HR Committee	October 2006	–	–	Second report overdue since 2010
CEDAW	July 2007	2015	–	Seventh and eighth reports pending consideration
CAT	May 2009	–	–	Second report overdue since 2013
CRC	February 2007	2013 (CRC)/ 2012 (OP-CRC-AC and OP-CRC-SC)	–	Fourth and fifth reports pending consideration in 2015. Initial reports to OP-CRC-AC and OP-CRC-SC pending consideration in 2015.
CMW	–	–	–	Initial report overdue since 2006
CRPD	–	2013	–	Initial report pending consideration
CED	–	–		Initial report overdue since 2013

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2015	Definition of offences of racial discrimination; Organic Act on Employment and Economic Development Areas; independence of the judiciary; situation of Miskito divers.[38]	–
HR Committee	2007	Extrajudicial executions of children; excessive use of force and firearms by security forces and prison staff; street children situation; and indigenous communities.[39]	2008[40] and 2010.[41] Incomplete information received.[42]
CAT	2010	Fundamental safeguards; enforced or involuntary disappearances; trafficking in persons; pretrial detention; persons with mental impairment or illnesses deprived of their liberty; and "unlawful associations".[43]	Reminder sent in 2011.[44]

Country visits and/or inquiries by treaty bodies

Treaty body	*Date*	*Subject matter*
SPT	2012	Technical assistance to the national preventive mechanism[45]

B. Cooperation with special procedures[46]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Extrajudicial, summary or arbitrary executions (2001) Racism (2004) Arbitrary Detention (2006) Mercenaries (2006) Enforced or Involuntary Disappearances (2007) Freedom of opinion and expression (2007)	Human rights defenders (2012) Freedom of opinion and expression (2012)[47] Sale of children (2012) Mercenaries (2013) Violence against women (2014)
Visits agreed to in principle	Food	Food Freedom of association and assembly Independence of judges and lawyers
Visits requested	–	–
Responses to letters of allegation and urgent appeals	In the period under review, 40 communications were sent. The Government replied to 10 communications.	
Follow-up reports and missions	Sale of children (mission 2014)[48] and Working Group on Enforced or Involuntary Disappearances (report)[49]	

16. In 2011, the Government extended an invitation to 14 mandate holders.[50]

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

17. In 2010, a Human Rights Adviser, working under the United Nations Resident Coordinator, was deployed to Honduras.[51] The Office of the United Nations High Commissioner for Human Rights (OHCHR) has provided technical advice on: the drafting of a bill establishing a protection mechanism for human rights defenders; strengthening the investigation capacity of the Public Prosecutor's Office; improving the prison system, including supporting the national torture prevention mechanism; and drafting reports to treaty monitoring bodies. OHCHR has also supported, including through projects jointly funded and implemented with other United Nations agencies, the drafting of a national human rights policy and action plan, which incorporates recommendations from human rights mechanisms and requires the holding of consultations and preparation of a national plan against racism and racial discrimination, and the drafting of a policy on the rights of persons with disabilities. OHCHR also provided training on international and regional protection mechanisms to judges and public defenders, and strategic litigation advice for civil society organizations representing vulnerable groups.[52]

18. Following requests by the Government, including in the 2010 universal periodic review, and having been able to obtain support from donors, OHCHR will be opening a country office in mid-2015. During his 2015 visit to Honduras, the Secretary-General welcomed the Government's willingness to strengthen its relations with the United Nations through the opening of a local OHCHR office.[53]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

19. CERD encouraged the State party to intensify its awareness-raising campaigns and to implement the Convention through the National Action Plan on Racism and Racial Discrimination currently being drawn up.[54]

20. UNCT points out that women suffer discrimination with regard to the enjoyment of the right to work, fair pay and political participation.[55] CERD expressed concern that indigenous and Afro-Honduran women continue to face multiple forms of discrimination and recommended that Honduras include a gender perspective in all policies and strategies against racial discrimination.[56]

21. UNCT points out that, despite the amendments to the Criminal Code to bring national legislation into line with international standards, discriminatory attitudes to sexual orientation and gender identity continue to exist.[57]

B. Right to life, liberty and security of the person

22. The Special Rapporteur on violence against women indicated that the proliferation of small and light weapons, the drug trade, and the actions of violent gangs contributed to high levels of violence. The role and continuing influence of the military in general, particularly in policing and education activities, was of concern.[58]

23. Following up on the concern raised by the Human Rights Committee (HR Committee) at the high number of extrajudicial executions of children, Honduras wrote: "In 2010 there have been 108 reports, of which 36 are still active cases with an identified accused; in 20 cases arrest warrants have been issued and 51 cases are under investigation; only 1 case has been dismissed."[59]

24. The Committee on the Rights of the Child (CRC) requested information about the measures put in place to prevent and investigate murders of children and adolescents, and to punish those responsible.[60] The Committee against Torture (CAT) requested information on measures taken to investigate allegations of extrajudicial killings, in particular of minors.[61]

25. The Working Group on mercenaries noted that in 2011, the murder rate in Honduras had more than doubled since 2005.[62] The Working Group reported that, in the absence of a guarantee of security by the State, the civilian population commonly possessed and carried weapons and firearms to protect themselves. Pursuant to the Act on Control of Firearms, Ammunition, Explosives and Other Related Instruments, every person could apply for a licence to possess and carry up to five firearms.[63] It concluded that the existing legal and regulatory framework fell short of international standards, and its implementation was hampered by the lack of institutional capacity to regulate private security companies, which dominated and controlled the security sector in Honduras. The Working Group recommended, inter alia amending the law and regulations for granting licences to private military and/or security companies;[64] enhancing the capacity of the police and public prosecutors to investigate and prosecute crimes committed by private security guards and to ensure that victims received effective remedies;[65] and amending the Penal Code to include a definition of "mercenary" in domestic legislation and specifically prohibit the activities of mercenaries.[66]

26. The Working Group on Enforced or Involuntary Disappearances noted with concern reports that no significant progress had been made in the search for missing persons.[67]

27. CAT requested that Honduras comment on cases of police brutality and ill-treatment of detainees, in particular by the police patrols and members of the National Criminal Investigation Directorate.[68]

28. UNCT reports that the National Prison System Act represents a significant legislative development. However, it highlights the fact that, in 2013, the Inter-American Commission on Human Rights identified major structural deficiencies that put the lives of persons deprived of their liberty at risk. UNCT points out that the Government is currently developing a national prison policy.[69] CAT requested information about steps that had been taken to improve living conditions and address overcrowding in prisons and other detention centres, and to reduce inter-prisoner violence.[70] CAT also requested details on the findings of the investigation following the fire that had occurred on 15 February 2012 in the Comayagua Prison Farm, in which more than 350 prisoners died.[71]

29. The Special Rapporteur on violence against women indicated that the number of incarcerated women in Honduras was growing, with the major cause of incarceration being associated with gangs, extortion, and dealing in drug- related activities. Her interviews with detainees had revealed a lack of State support, including in terms of access to medical and social services; transport to and from court to attend scheduled hearings; inappropriate legal representation; the length of pretrial detention; and the lack of effective investigation into cases, which resulted in disproportionate sentencing for certain crimes.[72]

30. She also indicated that violence against women was widespread and systematic and that challenges faced in addressing that violence included gender discrimination in the justice system, inconsistencies in the interpretation and implementation of legislation and the lack of access to services that promoted safety and addressed prevention.[73]

31. According to information received by CAT, violence against transgender individuals was a serious problem in Honduras: 10 transgender women had been murdered between November 2010 and November 2011 in attacks ranging from armed assault to ones in which the victims had been set on fire. Reports had been received concerning the alleged involvement of members of the police force in some of those crimes.[74]

32. The Special Rapporteur on violence against women noted that trafficking in persons for the purposes of sexual exploitation was underreported.[75] The Special Rapporteur on the sale of children indicated that some of the good practices she had observed in 2012, such as the unit on commercial sexual exploitation and trafficking of the Office of the Special Prosecutor for Children, were expanding. However, she noted with concern that the special police unit on trafficking had been dismantled and the national complaints hotline known as "Breaking the Silence" discontinued. She urged the authorities to re-establish both.[76]

33. The Special Rapporteur on the sale of children recommended that Honduras eliminate the inconsistencies and gaps in legislation that legitimized exceptions to the minimum age for child labour.[77]

C. Administration of justice, including impunity, and the rule of law

34. In 2012, the Special Rapporteur on the independence of judges and lawyers expressed concern about the removal from office by Congress of four out of the five judges of the Constitutional Chamber of the Supreme Court of Justice, apparently a political reprisal measure.[78] CERD also expressed its concern about the dismissals and reminded Honduras that the principle of judicial tenure is a fundamental guarantee for the protection of judicial independence.[79]

35. UNCT points out that two recommendations arising from the first cycle of the universal periodic review made reference to the case of four Supreme Court judges who had openly criticized the coup d'état,[80] and reports that the case has been submitted to the Inter-American Commission on Human Rights, which has referred it to the Inter-American Court of Human Rights.[81]

36. The Subcommittee on Prevention of Torture recommended that the national preventive mechanism develop guidelines for reporting cases of violations of the rights of persons deprived of their liberty.[82]

37. CERD recommended that Honduras should facilitate access to justice so that indigenous peoples and Afro-Honduran communities and their members may bring individual or collective complaints.[83]

38. In 2013 the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions sent a communication to Honduras regarding the killing of a judge, against a backdrop of assaults on the independence of the judiciary. The Special Rapporteurs noted reports that this was not the first murder of a member of the country's justice system: 64 had been killed since 2010.[84] In 2012 the United Nations High Commissioner for Human Rights said that the killing of two human rights lawyers was symptomatic of "the chronic insecurity" facing lawyers, journalists and other human rights defenders in the country, and called on the Government to take urgent steps to combat impunity.[85]

39. UNCT reports that the adoption of the Act on the Council of the Judiciary represented a step towards greater independence in the administration of justice. However, questions have been raised about certain provisions of the Act that might leave the way open to external interference, particularly by the President of the Council.[86] In 2011, the Special Rapporteur on the independence of judges and lawyers recommended that the Council's independent and impartial functioning be guaranteed.[87] In 2012, CAT requested information on the measures taken to ensure the full independence of the judiciary.[88]

40. The Special Rapporteur on the situation of human rights defenders recommended that reports of threats and attacks against human rights defenders should be investigated ex officio and that the witness protection programme of the Office of the Public Prosecutor should be significantly strengthened.[89] She noted that the pervasive impunity and absence of effective investigations of human rights violations undermined the administration of justice and damaged the public's trust in the authorities.[90] In 2013, the Special Rapporteur on the right to freedom of opinion and expression made similar observations.[91]

41. The Special Rapporteur on the sale of children noted that a new system of juvenile courts had been established under the Code on Children and Adolescents.[92] She recommended that Honduras reinforce criminal investigation processes and punish perpetrators of the sale and sexual exploitation of children; re-establish the division which had formerly worked to combat the abuse, trafficking and commercial sexual exploitation of children and adolescents (DATESI); allocate more resources to the Office of the Special Prosecutor for Children; and adopt a proactive approach in criminal investigations and prosecutions.[93] CAT requested information on efforts to address the widespread use of preventive detention for minors accused of serious offences such as membership of youth gangs or *maras*.[94] CRC asked about the social rehabilitation services available for children and adolescents recruited by armed groups (including gangs).[95]

42. The Special Rapporteur on violence against women stated that the failure of the authorities to exercise due diligence in investigating, prosecuting and punishing perpetrators of violence against women contributed to an environment of impunity. She was concerned at the lack of sufficient facilities, such as shelters for battered women and safe houses for women who had to enter the witness protection programme.[96]

43. The Special Rapporteur on the right to freedom of opinion and expression underscored the need to give serious consideration to the recommendations of the Truth and Reconciliation Commission.[97] In 2012, CAT asked Honduras to comment on information contained in a report of the Truth and Reconciliation Commission of July 2011, according to which members of the Honduran armed forces and officials of the various national police directorates had taken part in the "systematic obstruction" of criminal investigations into serious human rights violations.[98]

44. The Working Group on Enforced or Involuntary Disappearances noted with concern that the amnesty laws hindered the investigation and prosecution of alleged perpetrators of human rights violations.[99]

D. Right to privacy, marriage and family life

45. UNCT pointed out that the recent amendment to the Family Code had ratified the provisions of the Constitution "prohibiting same sex marriage or de facto union".[100]

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

46. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reported that it had recorded 23 killings of journalists or media professionals between 2008 and 2013. According to the information provided to UNESCO by Honduras, the perpetrator had been convicted in one case, and in all others, the judicial inquiries were ongoing.[101]

47. CERD deplored the fact that human rights defenders, especially indigenous and Afro-Honduran leaders, continued to be subjected to serious physical assault. It recommended that Honduras protect them and adopt the bill on protecting human rights defenders, journalists, media professionals and persons responsible for the administration of justice.[102] The Special Rapporteur on the right to freedom of opinion and expression recommended that all cases involving violence directed at journalists, social communicators or human rights defenders be immediately referred to the Office of the Special Prosecutor for Human Rights,[103] and that a mechanism for the protection of those groups be created.[104]

48. In 2014, the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders said they would like to see the bill adopted and a mechanism established for the protection of human rights defenders and journalists.[105]

49. In 2014, the Special Rapporteur on the situation of human rights defenders reiterated her concern about the climate of violence and insecurity in which human rights defenders operated.[106]

50. The Special Rapporteur also expressed concern about the great dangers facing defenders of LGBTI rights.[107]

51. The Special Rapporteur was also concerned about the possibility of a counter-amendment to article 321 of the Criminal Code to repeal the section of the article aimed at putting a stop to discrimination on the basis of gender identity and sexual orientation.[108]

52. The Special Rapporteur on the right to freedom of opinion and expression recommended that defamation, slander and libel be decriminalized and converted into matters regulated by civil law,[109] and that journalists and social communicators be protected from frivolous litigation.[110] UNESCO referred to the criminal defamation law in the Penal Code (desacato law – Article 345) and noted that in 2005, the Constitutional Chamber of

the Supreme Court had decided that the defamation law, which penalized offensive expressions directed at public officials with two to four years imprisonment, was unconstitutional. UNESCO noted, however, that in 2013, the Supreme Court had sentenced a journalist to 16 months in prison on criminal defamation charges.[111]

53. CERD recommended that Honduras ensure the full participation of indigenous peoples and Afro-Honduran communities in decision-making institutions and at all levels of public service.[112]

F. Right to work and to just and favourable conditions of work

54. UNCT reports that the right to collective bargaining has been impaired by article 536 of the Labour Code, which states that public employees' unions cannot submit petitions or enter into collective agreements. It also points out that the International Labour Organization (ILO) is currently examining alleged violations of freedom of association.[113]

55. CERD remained concerned about the deplorable situation of the Miskito divers, who suffer work injuries because minimum safe diving conditions are not in place. It requested information about the situation of the Miskito divers concerned, the inspection programmes carried out and the availability of social programmes, insurance schemes and health services.[114]

56. The Special Rapporteur on violence against women indicated that women continued to be disproportionately overrepresented in low paid, part-time and insecure work.[115]

G. Right to social security and to an adequate standard of living

57. CERD noted that the indigenous peoples and Afro-Honduran communities were particularly badly affected by poverty and social exclusion. It urged the Government to implement social inclusion and development policies to reduce inequality and poverty, and recommended that action be taken to break the link between poverty and racism.[116]

58. UNCT mentions the limited availability and unequal distribution of arable land, something which restricts food production. With the adoption of the Act on the Overhaul of Public Finances, a sales tax is now levied, including on some family food basket items, which resulted in price increases of 106 per cent in 2014.[117]

59. UNCT indicates that, despite the fact that the right to decent housing is recognized in the Constitution and notwithstanding the noticeable improvements made as a result of various programmes and the creation of the National Housing Commission, some 13.3 per cent of dwellings nationwide are still without adequate water supply or sanitation. In rural areas, this figure increases to 25 per cent, while in the department of Gracias a Dios 87 per cent of homes do not have access to drinking water.[118]

H. Right to health

60. UNCT reports that, in 2013, the Supreme Court of Justice upheld an application for *amparo* for violation of the right to health care in public hospitals, thereby setting a precedent for the enforceability of economic, social and cultural rights in the national courts.[119]

61. UNCT points out that the free provision of antiretroviral drugs is hampered by shortages, delivery delays and out-of-date medicines.[120]

62. In 2012, the Special Rapporteur on the right to health and the Special Rapporteur on violence against women sent a communication regarding the criminalization of the use of the emergency contraceptive pill. Reports indicated that Decree No. 54-2009, passed by Congress in April 2009, introduced criminal penalties for promoting the use, sale or purchase of the pill, and for any policy relating to the marketing of emergency contraception. Any violation of the Decree would incur the same criminal penalties as provided in the Criminal Code for abortion, i.e., from 3 to 10 years' imprisonment for any person performing or undergoing an abortion.[121]

I. Right to education

63. UNCT reports that the new Education Act establishes that education is free of charge, and compulsory up to secondary level. According to government figures cited by UNCT, education coverage for children aged between 6 and 11 is 92.3 per cent. However, more than 330,000 children are not enrolled in school. The poorest children continue to be the most marginalized group: 53 per cent of children in rural areas do not finish primary education owing to their entry into the labour market.[122]

64. UNESCO acknowledged the adoption of a special plan to give access to education to persons with penal records and increase budget allocations for the education sector. It recommended that Honduras further promote human rights education and take additional measures to include people from vulnerable groups in its educational system.[123]

J. Cultural rights

65. CERD recommended the adoption of multilingual intercultural education, bearing in mind the need to strengthen or revive the languages of the indigenous peoples and Afro-Honduran communities.[124]

K. Persons with disabilities

66. UNCT states that no data is available on the situation of persons with disabilities, which makes it difficult to implement policies and programmes. Although Honduras has an Act on Equity and Comprehensive Development for Persons with Disabilities, it predates the Convention on the Rights of Persons with Disabilities and thus is not in line with the Convention.[125] Honduras has a public policy but implementation has been slow.[126]

L. Minorities and indigenous peoples

67. CERD recommended that Honduras should consider the compatibility of the Organic Act on Employment and Economic Development Areas with the instruments relating to the rights of indigenous peoples and Afro-descendants.[127]

68. CERD noted the lack of consultation on development and natural resources projects and other legislation or projects affecting the indigenous peoples and Afro-Honduran communities. It urged Honduras to develop mechanisms for implementing that right and guaranteeing access to the courts so that they may defend their traditional rights and their right to be consulted before concessions are awarded, as well as their right to receive fair compensation for any harm or damage suffered.[128] UNCT points out that Honduras is a party to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) but has no legislation regulating the consultation mechanism.[129]

69. The Special Rapporteur on violence against women was concerned about violence against indigenous women and women and girls of African descent, and the eviction of indigenous peoples from their lands in favour of corporate development projects, which placed entire communities in situations of extreme risk and vulnerability.[130]

70. UNCT reports that the rates of child mortality and chronic child malnutrition are higher among the indigenous and Afro-Honduran communities than the national average. Non-registration of births also affects those communities more than the rest of the Honduran population, with the Miskito people particularly badly affected.[131]

M. Migrants

71. The Special Rapporteur on violence against women noted reports on the link between gender violence and migration. The causes of migration of women and girls included fleeing because of violence, poverty, lack of opportunity and also a generalized sense of insecurity. The consequences of migration included violence, exploitation, disappearances and forced displacement from families and communities.[132]

72. She noted with concern reports that thousands of unaccompanied children were migrating to a third country, including from Honduras. They were fleeing rising levels of extreme poverty, extortion, risks of forcible recruitment into gangs in their local communities and schools, physical violence, domestic abuse and/or other types of insecurity.[133] CRC requested information on the measures that are to be adopted in order to receive children and adolescents at risk of deportation from another country and ensure that they are returned under humane and safe conditions.[134]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Honduras from the previous cycle (A/HRC/WG.6/9/HND/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[5] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, at https://www.icrc.org/IHL.

[6] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[7] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

[8] International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.

[9] Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined initial and second to fifth periodic reports of Honduras (CERD/C/HND/CO/1-5), para. 22.

[10] Ibid., para. 23.

[11] UNCT, submission for the UPR of Honduras, paras. 4–6.

[12] Ibid., para. 5.

[13] Ibid., para. 5

[14] Ibid., para. 5

[15] CERD/C/HND/CO/1-5, para. 9.

[16] Ibid., para. 10.

[17] UNCT, submission for the UPR of Honduras, para. 27. See also list of issues prior to the submission of the second periodic report of Honduras adopted by the Committee against Torture (CAT/C/HND/Q/2), para. 1.

[18] UNCT, submission for the UPR of Honduras, para. 6.

[19] Press release dated 25 April 2014, "UN expert on sale and sexual exploitation of children asks Honduras for measures to effectively protect children". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14539&LangID=E, and the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat Maalla M'jid: Follow-up visit to Honduras (A/HRC/28/56/Add.1), para.18. See also the list of issues in relation to the report submitted by Honduras under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/HND/Q/1), para. 7.

[20] UNCT, submission for the UPR of Honduras, para. 38.

[21] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting

Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[22] For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/27/40, annex.

[23] CERD/C/HND/CO/1-5, para. 12. See also CAT/C/HND/Q/2, para. 6.

[24] Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya: Mission to Honduras (A/HRC/22/47/Add.1), para. 140. See also CAT/C/HND/Q/2, para. 6.

[25] UNCT, submission for the UPR of Honduras, para. 9.

[26] A/HRC/28/56/Add.1, para. 48 (a).

[27] CERD/C/HND/CO/1-5, para. 12.

[28] Report on the visit made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the purpose of providing advisory assistance to the national preventive mechanism of Honduras (CAT/OP/HND/3), para. 10. See also CAT/C/HND/Q/2, para. 5.

[29] CAT/OP/HND/3, para. 13.

[30] CAT/OP/HND/3, para. 29. See also CAT/C/HND/Q/2, para. 5.

[31] CAT/OP/HND/3, para. 30.

[32] CERD/C/HND/CO/1-5, para. 11.

[33] Press release dated 14 July 2014, "Special Rapporteur on violence against women finalizes country mission to Honduras and calls for urgent action to address the culture of impunity for crimes against women and girls". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14833&LangID=E.

[34] CERD/C/HND/CO/1-5, para. 3.

[35] UNCT, submission for the UPR of Honduras, para. 12.

[36] A/HRC/28/56/Add.1, para. 48 (a).

[37] The following abbreviations have been used in the present document:

CERD	Committee on the Elimination of Racial Discrimination;
CESCR	Committee on Economic, Social and Cultural Rights;
HR Committee	Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CAT	Committee against Torture;
CRC	Committee on the Rights of the Child;
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Committee on the Rights of Persons with Disabilities;
CED	Committee on Enforced Disappearances;
SPT	Subcommittee on Prevention of Torture.

[38] CERD/C/HND/CO/1-5, para. 27.

[39] Concluding observations of the Human Rights Committee (CCPR/C/HND/CO/1), para. 21.

[40] Information supplied by Honduras on the implementation of the concluding observations of the Human Rights Committee (CCPR/C/HND/CO/1/Add.1).

[41] Further information received from Honduras on the implementation of the concluding observations of the Human Rights Committee (CCPR/C/HND/CO/1/Add.2).

[42] Letter from HR Committee to the Permanent Mission of Honduras to the United Nations Office and other international organizations in Geneva, dated 16 December 2010, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HND/INT_CCPR_FUL_HND_11815_S.pdf (accessed 5 December 2014). See also letters from HR Committee to the Permanent Mission of Honduras to the United Nations Office and other international organizations in Geneva, dated 27 August 2009, 2 February 2010 and 28 September 2010, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HND/INT_CCPR_FUL_HND_11818_S.pdf; http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HND/INT_CCPR_FUL_HND_11817_S.pdf; and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HND/INT_CCPR_FUL_HND_11816_S.pdf (accessed 5 December 2014).

[43] Concluding observations of the Committee against Torture (CAT/C/HND/CO/1), para. 31.

[44] Letter from CAT to the Permanent Mission of Honduras to the United Nations Office and other international organizations in Geneva, dated 28 March 2011, available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/HND/INT_CAT_FUR_HND_12339_E.pdf (accessed 5 December 2014). See also CAT/C/HND/Q/2, para. 40.
[45] CAT/OP/HND/3.
[46] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[47] Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: Mission to Honduras (A/HRC/23/40/Add.1) and Informe del Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y expresión sobre su misión a Honduras: comentarios del Estado sobre el informe del Relator Especial (A/HRC/23/40/Add.3).
[48] A/HRC/28/56/Add.1.
[49] Informe del Grupo de Trabajo sobre las Desapariciones Forzadas o Involuntarias: Informe de seguimiento a las recomendaciones hechas por el Grupo de Trabajo sobre las misiones a Guatemala y Honduras (A/HRC/16/48/Add.2).
[50] See www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx.
[51] See www.ohchr.org/EN/Countries/LACRegion/Pages/HNHRAdviser.aspx.
[52] OHCHR Report 2014 (forthcoming); OHCHR Report 2013, pp. 267–269; OHCHR Report 2012, p. 234; OHCHR Report 2011, pp. 295–297 and OHCHR Report 2010, pp. 170–171.
[53] Press release dated 20 January 2015, "Activities of Secretary-General in Honduras, 14–15 January" (SG/T/3008). Available from www.un.org/press/en/2015/sgt3008.doc.htm.
[54] CERD/C/HND/CO/1-5, para. 13.
[55] UNCT, submission for the UPR of Honduras, para. 18.
[56] CERD/C/HND/CO/1-5, para. 14.
[57] UNCT, submission for the UPR of Honduras, para. 20.
[58] Press release, see note 34 above.
[59] CCPR/C/HND/CO/1/Add.2, para. 1.
[60] Lista de cuestiones relativa a los informes periódicos cuarto y quinto combinados de Honduras aprobada por el Comité de los Derechos del Niño (CRC/C/HND/Q/4–5), part I, para. 7.
[61] CAT/C/HND/Q/2, para. 31.
[62] Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination: Mission to Honduras (A/HRC/24/45/Add.1), para. 12.
[63] Ibid., para. 13.
[64] Ibid., p. 2 and para. 55 (a).
[65] Ibid., para. 55 (f).
[66] Ibid., para. 55 (i).
[67] A/HRC/16/48/Add.2, para. 16. See also CAT/C/HND/Q/2, para. 30.
[68] CAT/C/HND/Q/2, para. 29.
[69] UNCT, submission for the UPR of Honduras, para. 28.
[70] CAT/C/HND/Q/2, para. 20.
[71] Ibid., para. 23.
[72] Press release, see note 34 above.
[73] Ibid.
[74] CAT/C/HND/Q/2, para. 10.
[75] Press release, see note 34 above.
[76] Press release, see note 20 above.
[77] Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid: Mission to Honduras (A/HRC/22/54/Add.2), para. 111 (a).
[78] Communications report of Special Procedures: Communications sent, 1 December 2012 to 28 February 2013; Replies received, 1 February to 30 April 2013 (A/HRC/23/51), p. 27. See also press release dated 29 January 2013, "Grave atentado a la democracia en Honduras la destitución de magistrados de la Sala Constitucional". Available from www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=12958&LangID=S, and CAT/C/HND/Q/2, para. 7.
[79] CERD/C/HND/CO/1-5, para. 18. See also CAT/C/HND/Q/2, para. 7.

[80] Report of the Working Group on the Universal Periodic Review: Honduras (A/HRC/16/10). Para. 82.72: "Carry out investigations into the recent dismissal of three judges and one magistrate so that, if it is appropriate, they are reinstated, and adopt measures to ensure the immovability of members of the judiciary (Mexico)"; and para. 83.11: "Drop any disciplinary proceedings against judges perceived as critical of the legality of the coup d'état (Slovakia)".
[81] UNCT, submission for the UPR of Honduras, para. 30.
[82] CAT/OP/HND/3, para. 27.
[83] CERD/C/HND/CO/1-5, para. 16.
[84] Communications report of Special Procedures: Communications sent, 1 June to 30 November 2013; Replies received, 1 August 2013 to 31 January 2014 (A/HRC/25/74), p. 59.
[85] Press release dated 26 September 2012, "Pillay urge medidas para enfrentar la 'inseguridad crónica' que sufren abogados, periodistas y defensores de derechos humanos en Honduras". Available from www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=12581&LangID=S.
[86] UNCT, submission for the UPR of Honduras, para. 29.
[87] Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul: Subregional consultation on the independence of the judiciary in Central America (A/HRC/23/43/Add.4), para. 106.
[88] CAT/C/HND/Q/2, para. 7.
[89] A/HRC/22/47/Add.1, para. 139.
[90] Ibid., para. 120.
[91] A/HRC/23/40/Add.1, para. 89.
[92] A/HRC/22/54/Add.2, para. 50.
[93] A/HRC/28/56/Add.1, para. 48 (a).
[94] CAT/C/HND/Q/2, para. 21. See also CRC/C/HND/Q/4-5, part I, para. 16.
[95] CRC/C/HND/Q/4-5, part. I, para. 15. See also CRC/C/OPAC/HND/Q/1, paras. 4 and 6.
[96] Press release, see note 34 above.
[97] A/HRC/23/40/Add.1, para. 91.
[98] CAT/C/HND/Q/2, para. 26.
[99] A/HRC/16/48/Add.2, para. 18.
[100] UNCT, submission for the UPR of Honduras, para. 36.
[101] UNESCO, submission for the UPR of Honduras, para. 24.
[102] CERD/C/HND/CO/1-5, para. 15. See also CAT/C/HND/Q/2, para. 36.
[103] A/HRC/23/40/Add.1, para. 93 (g).
[104] Ibid., para. 93 (b).
[105] Press release dated 17 April 2014 "La impunidad perpetúa la violencia contra periodistas y defensores de derechos humanos en Honduras". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14523&LangID=E. See also CERD/C/HND/CO/1-5, para. 15.
[106] Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya: Observations on communications transmitted to Governments and replies received (A/HRC/25/55/Add.3), paras. 192 and 194. See also Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai: Observations on communications transmitted to Governments and replies received (A/HRC/23/39/Add.2), paras. 176–181.
[107] A/HRC/25/55/Add.3, para 193.
[108] Ibid.
[109] A/HRC/23/40/Add.1, para. 95 (a).
[110] Ibid., para. 95 (b).
[111] UNESCO, submission for the UPR of Honduras, para. 21. See submission for case cited.
[112] CERD/C/HND/CO/1-5, para. 21.
[113] UNCT, submission for the UPR of Honduras, para. 40. See also www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:102675.
[114] CERD/C/HND/CO/1-5, para. 19.
[115] Press release, see note 34 above.
[116] CERD/C/HND/CO/1-5, para. 7. See also UNCT, submission for the UPR of Honduras, para. 19.
[117] UNCT, submission for the UPR of Honduras, para. 43.
[118] Ibid., para. 45.
[119] Ibid., para. 46.

[120] Ibid., para. 47.
[121] A/HRC/23/51, p. 18.
[122] UNCT, submission for the UPR of Honduras, paras. 52–53.
[123] UNESCO, submission for the UPR of Honduras, paras. 27–28.
[124] CERD/C/HND/CO/1-5, para. 7. See also UNESCO, submission for the UPR of Honduras, para. 31.
[125] UNCT, submission for the UPR of Honduras, paras. 57–59.
[126] Ibid., para. 60. See also CRC/C/HND/Q/4-5, part. I, para. 11.
[127] CERD/C/HND/CO/1-5, para. 17.
[128] Ibid., para. 20.
[129] UNCT, submission for the UPR of Honduras, para. 63.
[130] Press release, see note 34 above.
[131] UNCT, submission for the UPR of Honduras, para. 61.
[132] Press release, see note 34 above.
[133] Ibid.
[134] CRC/C/HND/Q/4-5, part I, para. 14.